

JOURNAL OF THE HOUSE.

Wednesday, January 11, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, the Ultimate Source of Goodness and Forgiveness, we pause for a moment of personal reflection and prayer at the opening of today's formal legislative session. This moment offers us an opportunity to think about You, spiritual values and our own goals and ideals. Your assistance enables us to keep all legislative and public policy issues in perspective and to make right, fair and often difficult decisions and choices. If and when we disagree as individuals on philosophical principles, human and spiritual values or personal religious beliefs, let our disagreements be thoughtful, respectful, mature and reasonable. Our common purpose is to serve the common good.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4625) was filed in the office of the Clerk on Tuesday, January 10.

Supplemental
appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Statement Concerning Representative Carron of Southbridge.

A statement of Mr. Rogers of Norwood concerning Mr. Carron of Southbridge was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Carron of Southbridge, will not be present in the House Chamber for today's sitting due to a personal matter that unavoidably took him out of state. Any roll calls that he may miss today is due entirely to the reason stated.

Statement
concerning
Representative
Carron of
Southbridge.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kennedy of
Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his continued hospitalization. Any roll calls that he may miss today is due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Bruce
Bullen and
Maria
Krokidas.

Resolutions (filed by Mr. Rushing of Boston) honoring Bruce Bullen and Maria Krokidas for their service and commitment to quality health care;

Michael
John
Brandon.

Resolutions (filed by Mr. Linsky of Natick) congratulating Michael John Brandon on receiving the Eagle Award of the Boy Scouts of America;

Craig
Johnson.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Craig Johnson on receiving the Eagle Award of the Boy Scouts of America;

Bradford
Lynch.

Resolutions (filed by Messrs. Linsky of Natick and Evangelidis of Holden) congratulating Bradford Lynch on receiving the Eagle Award of the Boy Scouts of America;

Michael J.
Brillo.

Resolutions (filed by Mr. Linsky of Natick) congratulating Michael J. Parillo on receiving the Eagle Award of the Boy Scouts of America; and

Sam
Anderson.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Sam Anderson of Norfolk on receiving the Eagle Award of the Boy Scouts of America;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Linsky the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Initiative Petitions.

Marriage,
define.

An initiative petition of Raymond L. Flynn, Sr., and others for an initiative amendment to the Constitution to define marriage (House, No. 4617) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on the Judiciary. Sent to the Senate for concurrence.

Family
child care
providers.

An initiative petition of Ross L. Jackson and others for the passage of An Act relative to family child care providers (House, No. 4618) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Public Service. Sent to the Senate for concurrence.

An initiative petition of Christopher P. Flynn and others for the passage of An Act to increase consumer convenience and choice by permitting food stores to sell wine (House, No. 4619) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Wine,
food store
sales.

An initiative petition of Nicholas P. Gilman and others for the passage of An Act to protect dogs (House, No. 4620) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on the Judiciary. Sent to the Senate for concurrence.

Dogs,
protection.

An initiative petition of Cecilia A. Weislo and others for the passage of An Act to provide voters with more ballot choices (House, No. 4621) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Election Laws. Sent to the Senate for concurrence.

Voters,
ballot
choices.

An initiative petition of Philip J. Edmundson and others for the passage of An Act for the Massachusetts quality affordable health care act (House, No. 4622) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committees on Health Care Financing and Revenue, acting jointly. Sent to the Senate for concurrence.

Affordable
health
care.

An initiative petition of Lida E. Harkins and others for the passage of An Act relative to the establishment of a personal care attendant quality home care workforce council (House, No. 4623) (received on January 6, 2006, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Health Care Financing. Sent to the Senate for concurrence.

Homecare
workforce
council.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 4048) of Robert A. DeLeo and Kathi-Anne Reinstein for payment from the state trea-

Burton W.
Gerrig.

surey of a certain sum of money to Burton W. Gerrig for services rendered to the Civil Service Commission;

John Blasi,
state
payment.

Of the petition (accompanied by resolve, House, No. 4049) of Daniel E. Bosley that provision be made for payment from the state treasury of a certain sum of money to John C. Blasi of the town of North Adams;

Peter C.
Vaughn.

Of the petition (accompanied by resolve, House, No. 4050) of Thomas P. Kennedy and Patricia D. Jehlen for payment from the state treasury of a certain sum of money to Peter C. Vaughn for compensation for time served in prison for a crime of which he was acquitted;

Neil J.
Miller.

Of the petition (accompanied by resolve, House, No. 4051) of Frank M. Hynes for payment from the state treasury of a moral obligation to Neil J. Miller for certain legal expenses;

Budget
process.

Of the petition (accompanied by bill, House, No. 4052) of David L. Smith relative to authorizing the Governor to consult with banks, financial firms, economists and major corporations as part of the budget process; and

Capital
budget,
filing.

Of the petition (accompanied by bill, House, No. 4053) of Peter V. Kocot that the Governor of the Commonwealth be required to file an annual capital spending budget with the General Court;

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

Sex
offender
registry.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to improving the sex offender registry in the Commonwealth (House, No. 879).

Veterans,
survivor
benefits.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill providing benefits for certain parents and spouses of veterans (House, No. 1712, changed by striking out section 1; and in section 2, in lines 4 to 7, inclusive, by striking out the paragraph contained therein and inserting in place thereof the paragraph:

"A surviving parent or spouse of a veteran who was or is classified as missing in action-presumptive finding of death shall be paid the sum of \$2,000.00 annually in two equal payments on August 1 and February 1. Such payments shall be due and payable from date of application.").

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Orders of the Day.

House bills

Third
reading
bills.

Relative to the Cherry Valley and Rochdale Water District (House, No. 1290);

Relative to senior housing (House, No. 3189);

Establishing a department of public facilities in the city of Malden (House, No. 4458);

Relative to the city of Peabody Municipal Light Plant (House, No. 4462); and

Relative to the appointment of Matthew A. Kraunelis to the position of chief of staff to the mayor of the city of Methuen (House, No. 4580);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recesses.

At ten minutes after eleven o'clock A.M., on motion of Mr. Fallon of Malden (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Goguen of Fitchburg, until half past twelve o'clock; and at twenty-seven minutes before one o'clock the House was called to order with Mr. Petrolati in the Chair to order with the Speaker in the Chair.

Order.

An order (filed this day by Mr. Scaccia of Boston) relative to special procedures for consideration of the House Bill establishing a primary seat belt law [see House, No. 229] (House, No. 4628), was referred to the committee on Rules.

Seat belt
law,
procedures.

Mr. Scaccia, for said committee, then reported, under the provisions of House Rule 7B, recommended that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the order was considered forthwith.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 128 members voted in the affirmative and 22 in the negative.

Order
adopted,
yea and nay
No. 319.

[See Yea and Nay No. 319 in Supplement.]

Therefore the order was adopted.

Resolutions.

Resolutions (filed with the Clerk by Mrs. Harkins of Needham and other members of the House) memorializing the Congress of the United States to enact legislation regarding in-state tuition rates for in-state, undocumented immigrants who attend public institutions of higher education (House, No. 4629) were referred, under Rule 85, to the committee on Rules.

In-state
tuition.

Mrs. Harkins, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mrs. Parente of Milford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

After debate on the question on adoption of the resolutions, the sense of the House was taken by yeas and nays, at the request of Mrs. Harkins of Needham; and on the roll call 150 members voted in the affirmative and 2 in the negative.

Resolutions
adopted,
yea and nay
No. 320.

[See Yea and Nay No. 320 in Supplement.]

Therefore the resolutions (House, No. 4629) were adopted.

*Orders of the Day.*In-state
tuitions.

The House Bill relative to in-state tuition rates and fees at public higher education institutions (House, No. 1230) was read a second time.

Pursuant to an order previously adopted by the House (House, No. 4616, amended), the bill was consolidated with the House Bill relative to in-state tuition rates and fees at public higher education institutions (printed as Senate, No. 764), likewise in the Orders of the Day for a second reading.

Quorum.

After remarks on the question on ordering the bill (House, No. 1230) to a third reading, Ms. Malia of Boston asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 321.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 321 in Supplement.]

Therefore a quorum was present.

Quorum.

After debate on the question on ordering the bill to a third reading, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 322.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 322 in Supplement.]

Therefore a quorum was present.

Quorum.

After further remarks on the question on ordering the bill to a third reading, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 323.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

[See Yea and Nay No. 323 in Supplement.]

Therefore a quorum was present.

Quorum.

After further debate on the question on ordering the bill to a third reading, Mrs. Paulsen of Belmont asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 96 members were in attendance.

Quorum.

After further debate on the question on ordering the bill to a third reading (Ms. Candaras of Wilbraham being in the Chair), Ms. Blumer of Framingham asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Candaras), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

Quorum,
yea and nay
No. 324.**[See Yea and Nay No. 324 in Supplement.]**

Therefore a quorum was present.

After further debate on the question on ordering the bill to a third reading (Mr. Petrolati of Ludlow being in the Chair), Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 143 members were recorded as being in attendance.

Quorum,
yea and nay
No. 325.**[See Yea and Nay No. 325 in Supplement.]**

Therefore a quorum was present.

After further debate on the question on ordering the bill to a third reading, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

Quorum,
yea and nay
No. 326.**[See Yea and Nay No. 326 in Supplement.]**

Therefore a quorum was present.

After further debate on the question on ordering the bill to a third reading, Mrs. Canavan of Brockton moved that the bill be amended in lines 17 to 23, inclusive, by striking out the sentence contained therein and inserting in place thereof the following two sentences: "In the case of an individual who is not a citizen or permanent resident of the United States, the individual shall provide the University of Massachusetts, or the state or community college with a document reflecting issuance of an individual taxpayer identification number and/or a social security number as authorized by federal law. All students shall supply the University of Massachusetts or the state or community college with a signed affidavit stating that the individual will apply for citizenship or legal permanent residence in accordance with the federal statute and federal regulations within 120 days of eligibility for such status.".

Mr. Cabral of New Bedford then moved that the amendment offered by Mrs. Canavan of Brockton be amended by striking out the second proposed sentence and inserting in place thereof the following sentence: "All students shall provide the University of Massachusetts, or the state or community college with a copy of the application that the individual has filed with the United States Citizenship and Immigration Services, or its predecessors or successors, to become a citizen or permanent resident of the United States or to otherwise normalize such individual's status as residing in the United States under color of law.".

Quorum.

Pending the question on adoption of the further amendment, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 327.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 327 in Supplement.]

Therefore a quorum was present.

Further
amendment
rejected,
yea and nay
No. 328.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Canavan of Brockton; and on the roll call 72 members voted in the affirmative and 81 in the negative.

[See Yea and Nay No. 328 in Supplement.]

Therefore the further amendment was rejected.

Amendment
rejected,
yea and nay
No. 329.

On the question on adoption of the amendment offered by Mrs. Canavan of Brockton, the sense of the House was taken by yeas and nays, at the request of Mr. Travis of Rehoboth; and on the roll call 75 members voted in the affirmative and 78 in the negative.

[See Yea and Nay No. 329 in Supplement.]

Therefore the amendment was rejected.

Recess.

At five minutes before six o'clock P.M., on motion of Mr. O'Flaherty of Chelsea (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after six o'clock; and at ten minutes before seven o'clock the House was called to order with Mr. Petrolati in the Chair.

Bill
rejected,
yea and nay
No. 330.

On the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call 57 members voted in the affirmative and 96 in the negative.

[See Yea and Nay No. 330 in Supplement.]

Therefore the bill was rejected.

Mr. Jones of North Reading then moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Mariano of Quincy then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at five minutes after seven o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.